TLMM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA	)	Case No. '08 MJ 1885
	)	
	)	COMPLAINT FOR VIOLATION OF
VS	)	21 U.S.C. Sections 952 & 960,
	)	Importation of a Controlled Substance
Mario Alfonso DIAZ	)	
	)	

2008 JUN 19 AM 9:03

KNH

The undersigned complainant being duly sworn states:

COUNT 1

That on or about June 19, 2008, within the Southern District of California, Mario Alfonso DIAZ did knowingly and intentionally import approximately 124.50 kilograms of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Edward Coderes, Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 19th day of June 2008.

United States Magistrate-Judge

TLM

PROBABLE CAUSE STATEMENT

These facts are based on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the Defendant named in the attached complaint committed the crimes charged in the complaint.

On June 19, 2008, at approximately 12:50 AM, Mario Alfonso DIAZ applied for entry into the United States from Mexico at the San Ysidro Port of Entry. DIAZ was the driver and sole occupant of a tan 2003 Toyota Tundra pick-up truck with California/United States license plate number 8G72639. United States Customs and Border Protection Officer (CBP) David Garza was assigned to lane 6 when DIAZ applied for entry. CBP Garza obtained two negative customs declarations from DIAZ. CBP Garza then referred the DIAZ and the vehicle for secondary inspection for a more detailed inspection of the vehicle. While at secondary CBP Canine Enforcement Officer (CEO) Michael Sugawa along with his Narcotics Detector Dog (NDD) "SITA" CD60 conducted a screen of the vehicle. SITA alerted to the presence of narcotics emanating from the front passenger side wheel well area of the vehicle driven by DIAZ.

Inspection of the vehicle by CBPO Josh Beliveau resulted in the discovery and seizure of forty (40) packages, which contained a substance that field-tested positive for Marijuana, a Schedule I controlled substance, with an approximate weight of 124.50 kilograms. The packages were discovered hidden inside the engine compartment and front bumper of the vehicle. Post-Miranda Rights statements, DIAZ denied knowledge of the marijuana found concealed inside his vehicle.

DIAZ was arrested for violating Title 21, United States Code, Sections 952 & 960-Importation of a controlled substance. He was processed and subsequently booked into the Metropolitan Correctional Center, San Diego, California, pending judicial proceedings.

Executed on June 19, 2008 at 1000 hours

Edward Coderes

Special Agent

U.S. Immigration and Customs Enforcement (ICE)

On the basis of the facts presented in the probable cause statement consisting of two (2) pages, I find probable cause to believe that the defendant Mario Alfonso DIAZ named in the probable cause statement committed the offense on June 19, 2008 in violation of Title 21, United States Code, Section (s) 952 & 960 and United States Code Section 2.

United States Magistrate Judge